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DOE FOR GEORGE PERSON

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TAGS: [PGOV](#) [SNAR](#) [KJUS](#) [KCOR](#) [NI](#)
SUBJECT: NIGERIA: CORRUPT COURTS SLOW EFCC INVESTIGATION OF
ODILI

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Classified By: Ambassador Robin Renee Sanders for reasons 1.4. (b & d).

¶1. (C) Outgoing Chief of the EFCC External Cooperation Unit Ibrahim Mohammed (strictly protect) on March 11 confirmed press reports that former Rivers State Governor Peter Odili secured a "perpetual injunction" restraining the EFCC from arresting, detaining or prosecuting him -- in effect extending the immunity he enjoyed while in office from 1999 to 2007. The EFCC will appeal the injunction and Mohammed felt certain it would be overturned by higher courts. Mohammed noted that, while the "perpetual" nature of Odili's injunction was uncommon, the practice of paying a corrupt judge for an injunction to slow the EFCC's work was all too common. Incoming External Cooperation Chief Mohammed Bamalli (strictly protect) told Poloff and INLoff that individuals use the injunctions to buy time to prepare their defense or cover their tracks, but that they cannot completely derail the investigation.

¶2. (C) Mohammed and Bamalli both called for increased U.S. and other donor support of judicial reform programs, noting particularly the need to reach below the federal to the state levels. Although the higher federal courts are being reached by foreign assistance programs, the lower courts, which are responsible for the majority of such injunctions, are not.

¶3. (C) COMMENT. Former Delta Governor James Ibori has also used court injunctions to attempt to stall the EFCC's investigations. The fact that the lower federal courts continue to issue such broad injunctions restricting the EFCC from carrying out its mandated functions, despite the injunctions repeatedly being overturned by higher courts, seems a clear indication of the extent of judicial corruption and the influence still enjoyed by former governors and others among the elite networks of Nigerian politics. Odili, whom many believe to be the most corrupt of the former governors, has always seemed to come out "above the law." His successful investigation, prosecution and conviction by the EFCC, were it to happen, would be a clear signal of a real commitment from the Yar'Adua administration to fight corruption. For the time being though, it seems like business as usual. END COMMENT.
SANDERS